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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING: QUESTION OF HUMAN RIGHTS IN CYPRUS

Report of the Secretary-General submitted pursuant to Commission on Human Rights decision 1998/109

1. The Commission on Human Rights, in its decision 1998/109 of 21 April 1998, decided to retain on its agenda item 10 (a) entitled "Question of human rights in Cyprus", and to give it due priority at its fifty-fifth session, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation. The present report is submitted pursuant to that decision and is based on United Nations activities, namely, the Secretary-General's mission of good offices, the United Nations Peace-Keeping Force in Cyprus (UNFICYP) and the Committee on Missing Persons in Cyprus.

2. In its most recent resolution on this subject (1987/50), the Commission reiterated its previous calls for the full restoration of all human rights to the population of Cyprus, in particular to the refugees. It considered attempts to settle any part of Varosha by people other than its inhabitants as illegal and called for the immediate cessation of such activities. It also called for the tracing of and accounting for missing persons in Cyprus without any further delay and for the restoration and respect of human rights and fundamental freedoms of all Cypriots, including the freedom of movement, the freedom of settlement and the right to property.

3. Since assuming the functions of Secretary-General of the United Nations in January 1997, I have continuously pursued the aim of achieving a comprehensive settlement of the Cyprus problem. Since my last report to the Commission on Human Rights in March 1998, my personal contacts with the leaders of the Greek Cypriot and Turkish Cypriot communities, as well as those of my Special Adviser for Cyprus, Mr. Diego Cordovez, and my Deputy Special Representative, Ms. Ann Hercus, have been devoted to that goal.

4. From 18 to 22 March 1998, my Special Adviser visited the island, where he held separate meetings with Mr. Glafcos Clerides and Mr. Rauf Denktash in an effort to facilitate the resumption of direct talks between them. Mr. Clerides reiterated his readiness to resume direct talks, under my auspices, on the basis of the relevant Security Council resolutions. Mr. Denktash expressed his view on the need to adopt a new approach based on "acknowledgment of the existence of two fully functioning democratic states on the island". He also requested my Special Adviser to convey his views to the Security Council and asked him to arrange a meeting with me to convey this position directly. I met with Mr. Denktash in Geneva on 28 March 1998 and, in a letter addressed to the President of the Security Council (S/1998/410), reported on the meeting. In its reply of 19 May 1998 (S/1998/411), the Security Council reiterated its strong support for my mission on the basis of its relevant resolutions.

5. On 16 June 1998, I reported to the Security Council on my mission of good offices (S/1998/518), summarizing my activities and those of my Special Adviser. Regrettably, they had not proved sufficient to lead to the resumption of direct talks. The Security Council, in its resolution 1179 (1998) of 29 June 1998, reaffirmed that the status quo was unacceptable and that negotiations on a final political solution of the Cyprus problem had been at an impasse for too long. The Council expressed its full support for my mission of good offices and for the efforts of my Special Adviser.

6. From 1 to 4 July 1998, Mr. Cordovez paid another visit to Cyprus for consultations with the leaders of both communities. He met with the same obstacles in the effort to facilitate the resumption of direct talks.

7. In view of the continued stalemate, and following my meetings in New York on 25 September and 30 September 1998 with Mr. Clerides and Mr. Denktash respectively, I suggested that my Deputy Special Representative begin a process of on-island "shuttle talks" with both parties, with a view to reducing tension and promoting progress towards a just and lasting settlement. Both leaders expressed their support for such a process.

8. In my letter of 14 December 1998 addressed to the President of the Security Council (S/1998/1166), I informed him that the "shuttle talks" involved three clusters of problems: reduction of tension, core issues and humanitarian/goodwill issues. I was encouraged by the constructive manner in which both leaders were engaging in those talks. They made clear their commitment to avoid tension, build peace in Cyprus and the region, and achieve an overall settlement of the Cyprus problem by peaceful means. Among the elements discussed were: a commitment to reject the use of force or the threat of use of force; a commitment to the prevention of further expansion of

military forces and armaments, as well as the consequent principle of substantial reciprocal reductions; and a confirmation of agreement to the UNFICYP package of measures aimed at reducing tension along the ceasefire lines and further possible steps, including demining.

9. The Security Council, in its resolution 1218 (1998) of 22 December 1998, endorsed the September initiative within the framework of my mission of good offices. The Council requested me to work intensively with the two sides in promoting progress towards a just and lasting settlement and reducing tension on the basis of the relevant Security Council resolutions. In early January 1999, my Deputy Special Representative resumed her "shuttle talks" with the leaders of the two communities in an effort to move forward the implementation of the objectives outlined in paragraphs 4 and 5 of Security Council resolution 1218 (1998).

10. Pending a settlement, UNFICYP has continued, under its mandate, to discharge humanitarian functions on behalf of the Greek Cypriots living in the northern part of the island, whose number stood at 457 in December 1998. UNFICYP officers have continued to interview, in private, Greek Cypriots who applied for "permanent transfer" to the southern part of the island, in order to verify that the transfer was voluntary. UNFICYP has also continued to facilitate temporary visits by Greek Cypriots from the Karpas area to the southern part of the island for family and other reasons. In addition, UNFICYP has continued to assist in arranging contacts between Maronites living on the island, 171 of whom reside in the northern part of the island, and to deliver to the north foodstuffs and other supplies provided by the Government of Cyprus. UNFICYP continued its periodic visits to Turkish Cypriots living in the southern part of the island and assisted in arranging family reunion visits for Turkish Cypriots. UNFICYP is in contact with some 339 Turkish Cypriots living in the southern part of Cyprus. The Force continued to provide emergency medical evacuation of civilian members of both communities residing in the nothern part of Cyprus.

11. On 21 December 1997, UNFICYP arranged for 193 Greek Cypriots to visit the Apostolos Andreas monastery on the Karpas peninsula. A Greek Cypriot visit to Apostolos Andreas on 19 April 1998 had to be cancelled owing to the imposition of new charges by the Turkish Cypriot authorities, but on 13 September 1998, 1,276 Greek Cypriots were able to visit Apostolos Andreas and another visit took place there on 30 November 1998. On 31 January 1998, UNFICYP arranged for 1,285 Turkish Cypriots to visit the Hala Sultan Tekke mosque in Larnaca. On 9 April 1998 1,314 and on 20 January 1999, 1,366 Turkish Cypriots were able to undertake the visit to this religiously significant site.

12. An expanded and automated telephone connection between the northern and southern parts of Cyprus was inaugurated by UNFICYP on 4 May at the Ledra Palace Hotel. Since 1974, the United Nations had provided the only telephone connection between the northern and southern parts of Cyprus. The existing operator-assisted telephone service had, for some time, been insufficient for the growing demand from both sides, which had resulted in delays and inconvenience to users. The upgraded service significantly increases the handling capacity, thus eliminiating the delays that users frequently

experienced. However, the Turkish Cypriot authorities have imposed fees at international rates for calls from the northern part of the island and this has affected usage.

13. On 7 and 14 March 1998, 94 Turkish Cypriot students were able to travel by road through the Government-controlled area to Kokkina to attend commemoration ceremonies there; on 8 August 1998, 721 Turkish Cypriots undertook a similar trip.

14. As previously reported (see E/CN.4/1997/48) and in line with paragraph 8 of Security Council resolution 1178 (1998), UNFICYP continued to monitor closely the living conditions of Greek Cypriots and Maronites living in the northern part of the island and Turkish Cypriots living in the southern part, and to assess them against the recommendations of UNFICYP in its humanitarian review (see E/CN.4/1997/48, paras. 13-15). The living conditions of Greek Cypriots and Maronites residing in the northern part of the island do not differ significantly from those of Turkish Cypriots living in the same area. Since the humanitarian review conducted by UNFICYP in 1995 a number of incremental improvements have occurred, which have been reported in previous reports. During 1998, the Turkish Cypriot authorities lifted most age restrictions for Greek Cypriot and Maronite children visiting their families in the north, although the age limit of 16 remains in effect for Greek Cypriot boys. Travel within the northern part of Cyprus remains restricted for Greek Cypriots, as does access to sites of religious significance to them, which can only be undertaken by groups of no less than 20. Moreover, in mid-February 1998, the Turkish Cypriot side imposed new regulations and fees for entry to and exit from the northern part of the island. Greek Cypriots and Maronites from southern Cyprus visiting relatives residing in the northern part had to pay a fee of £15 sterling per adult per visit. All residents in the northern part, Greek Cypriots, Maronites, nationals of other countries and Turkish Cypriots, travelling to the southern part have to pay a £4 transit charge, or £10 for multiple visits. These new charges have significantly reduced the number of Greek Cypriots and Maronites visiting their relatives in the northern part of Cyprus. Effective 17 April 1998, these regulations were adjusted with respect to Maronites, who were granted a reduction of the charges to £4 per visit per adult or £30 per year for multiple visits for the entire family. The charges for Greek Cypriots remained unchanged. Another major restriction has been that Greek Cypriots and Maronites residing in the northern part of Cyprus have not been able to bequeath their property, even to their next of kin, unless their heirs also lived in the northern part of the island. On 2 October 1998, the Turkish Cypriot authorities informed UNFICYP that they were reviewing legislation that barred Greek Cypriots and Maronites residing in the northern part of the island from bequeathing their property to heirs who did not reside there. Pending the review, such estates would not be seized or made available for occupation by third persons, although they would continue to be placed in the custody of the authorities. The Turkish Cypriot authorities also announced the lifting of controls on the movement of Greek Cypriots and Maronites in the north and of the limit on visits by first-degree relatives from the south to Greek Cypriots in the Karpas area. UNFICYP is trying to establish how these measures are being applied in practice.

15. During the period under review, a number of Greek Cypriots and Greek citizens were apprehended in the northern part of Cyprus after crossing the

United Nations buffer zone and detained by the Turkish Cypriot authorities. Similarly, Turkish Cypriots and Turkish citizens who crossed to the south through the buffer zone were detained by the Cyprus police. In each case, UNFICYP humanitarian and medical personnel visited the detainees and arranged for family visits in the place of their detention. All of them were subsequently released. In some instances, efforts continued after their release for the return of their belongings held in the northern part or southern part of Cyprus. UNFICYP maintains that whenever civilians cross the other side's ceasefire line in a non-belligerent manner, they and their belongings should be returned without delay.

16. UNFICYP continued its efforts to encourage contact and cooperation between the two communities and to build trust through actively promoting bicommunal events and activities. However, on 26 December 1997, the Turkish Cypriot authorities announced that they were re-evaluating bicommunal contacts in the context of the situation that had arisen as a result of the summit meeting of the European Union in Luxembourg and that all bicommunal activities would be suspended. As a result there has been no Turkish Cypriot participation in bicommunal meetings on the island in the past year. There have, however, been some meetings off-island with Turkish Cypriots in attendance and on 24 October 1998, an international United Nations Day celebration organized by UNFICYP at the Ledra Palace Hotel in the United Nations buffer zone was attended by some 5,000 people from both communities and from diplomatic missions. UNFICYP also organized two smaller functions involving, among others, representatives from both communities. The Turkish Cypriot policy has not only limited intercommunal contacts, but has also hindered routine UNFICYP liaison between health, water and electricity officials on both sides.

17. The Turkish Cypriot side repeatedly complained that the all-encompassing embargo imposed by the Greek Cypriot authorities against northern Cyprus since 1963 was continuing. This embargo covers all spheres of life, including international relations, travel, trade, tourism and the economy in general, as well as sports, cultural and social activities. The Turkish Cypriot authorities protest that this leads to the isolation of the Turkish Cypriot community from the rest of the world and creates distrust and a crisis of confidence between the two sides on the island. They claim that while this embargo continues, the superficial attempt to bring together members of the two sides serves no useful purpose, and that the creation of trust and confidence depends on the removal of these measures. Demonstrations by Greek Cypriots continued to be staged at the South Ledra checkpoint, mainly on weekends, with the aim of dissuading tourists from crossing to the north. In many instances, organized groups of schoolchildren in uniform accompanied by teachers participated in demonstrations. The demonstrations inconvenienced visitors and sometimes hindered the movement of UNFICYP and diplomatic personnel. There were also a number of rallies and demonstrations along the National Guard ceasefire line in July and August 1998 in Dherinia, Nicosia and Peristerona.

18. In accordance with the terms of reference of the Committee on Missing Persons (CMP) and upon the recommendation of the International Committee of the Red Cross, following consultations with both sides, on 15 June 1998 I

appointed Mr. Jean-Pierre Ritter as the Third Member of CMP. He has started consultations with both sides with a view to expediting the work of the Committee.

19. On 23 January 1998, the Greek Cypriot and the Turkish Cypriot representatives met at the Ledra Palace Hotel in the presence of my Deputy Special Representative to exchange information on the location of graves of Greek Cypriot and Turkish Cypriot missing persons, in pursuance of the 31 July 1997 agreement in this regard (see S/1997/962, para. 21). They also agreed to meet again to discuss the preparation of arrangements leading to the return of the remains of Greek Cypriot and Turkish Cypriot missing persons. In a further meeting on 30 April 1998, however, the Turkish Cypriot representative stated that he was not prepared to discuss the necessary arrangements leading to the exhumation and return of the remains of Greek Cypriot and Turkish Cypriot missing persons until the Greek Cypriot side, as proof of its sincerity, agreed to first look into the fate of the Greek Cypriot victims of the coup d'état against Archbishop Makarios in 1974. The Turkish Cypriot side claims that victims of the 1974 coup d'état are among those persons listed as missing. This position deviates from the 31 July 1997 agreement, which calls on the two sides to work out arrangements for the exhumation and identification of the remains located in the graves on which information was exchanged on 23 January 1998. The Greek Cypriot side has since decided to begin exhumation and identification of the remains located in graves in the area under its control. My Deputy Special Representative is continuing her efforts towards achieving progress in the implementation of the 31 July 1997 agreement.

20. The activities of UNFICYP, including those relating to its humanitarian responsibilities, are described in the Secretary-General's most recent reports to the Security Council on the operation in Cyprus (S/1998/488 and S/1998/1149). A full account of the Secretary-General's efforts on his mission of good offices in Cyprus is contained in a letter addressed to the President of the Security Council and in a report to the Security Council (S/1998/518 and S/1998/1166).